

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lawrence E. Ashery on 30 June 2010.

The application has been amended as follows:

Claim 4 of the original patent has been cancelled.

**[4. A server apparatus comprising:**

provided information designating means for providing information requested by a subscriber to a server;

information receiving means for receiving said information provided by said server according to said subscriber request;

subscriber mode discriminating means for discriminating whether an information signal output from said information receiving means is provided a) to a display means, b) to a recording means or c) to both the display means and the recording means and informing said subscriber through said information receiving means.]

Authorization for this examiner's amendment was given in a telephone interview with Kenneth Nigon on 9 September 2010.

The application has been amended as follows:

**IN THE SPECIFICATION -**

The following paragraph should be added to the specification after the title at column 1, line 4:

**CROSS-REFERENCE TO RELATED APPLICATIONS**

Notice: More than one reissue application has been filed for the reissue of U.S. Patent No. 5,790,172. The reissue applications are the present reissue application Ser. No. 09/594,152 filed on Jun. 12, 2000, and related reissue application Ser. Nos. 09/631,540 filed on Aug. 3, 2000, 09/631,542 filed on Aug. 3, 2000, 09/632,139 filed on Aug. 3, 2000, and 09/817,470 filed Mar. 26, 2001, now abandoned.

***Allowable Subject Matter***

2. Claims 3 and 7-11 are allowed.

***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to disclose all the elements of claim 3, in particular subscriber mode recognizing means for discriminating whether said information providing means provides said information a) to a subscriber display means, b) to a

subscriber recording means or c) to said subscriber display means and said subscriber recording means and a charging means for charging a different amount among a) in the case in which said information is provided to said subscriber display means, b) in the case in which said information is provided to said subscriber recording means and c) in the case in which said information is provided to said subscriber display means and to said subscriber recording means according to an output of said subscriber mode recognizing means in combination with other elements recited in the claims.

As to the closet prior art of record, Saito discloses a viewer who wishes to view a program sends a request to the charging center by specifying the broadcast time and the charging center sends decode data of the program to a data communication device and collects a fee for the program (Col. 7, lines 31-38). The data communication device sends the received decode data and broadcasting time information to a receiving device (Col. 7, lines 39-45). However, none of the prior art renders obvious the applicant's invention as claimed.

The prior art of record fails to disclose all the elements of claim 7, in particular terminal control means for inputting a demodulated information signal of said demodulating means, outputting a signal to recording means which records said demodulated information signal in a recording medium in which a subscriber identification number is recorded and controlling supply of the output signal and wherein said terminal control means registers said subscriber identification number recorded in said recording medium of said recording means and an information identification

number provided from said server in said terminal control means, when a subscriber finishes the recording of the information signal provided from said server in said recording medium of said recording means in combination with other elements recited in the claim.

As to the closest art of record, Horton discloses a system and method for allowing a user to select programming to view only, view and tape for fee, and view and tape for free. Depending upon the mode selected, the TV program will be formatted accordingly (Col. 3, lines 31-60). However, none of the prior art renders obvious the applicant's invention as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN MILLER can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHRIS PARRY  
Examiner  
Art Unit 2421

/C. P./  
Examiner, Art Unit 2421

/Dominic D Saltarelli/  
Primary Examiner, Art Unit 2421